REMARKS

Please cancel Claims 3 and 12 without prejudice. Claims 1-2, 4-11 and 13-26 are pending. Claims 1, 11 and 20 are amended herein. No new matter is added as a result of the claim amendments. Support for the claim amendments is found at least on page 10 (lines 4-18), page 15 (line 29) to page 16 (line 11), and page 19 (lines 3-34) of the instant application.

102 Rejections

The instant Office Actions states that Claims 1-2, 4-6, 9, 11, 13-15, 18, 20 and 22 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kubota et al. ("Kubota;" U.S. Patent Application Publication No. 2002/0154703). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1-2, 4-6, 9, 11, 13-15, 18, 20 and 22 is not anticipated nor rendered obvious by Kubota.

With regard to independent Claims 1 and 11, Applicants respectfully submit that Kubota does not show or suggest either "encoding an item of content comprising media data to be streamed to said client into a first multiple description bitstream and into a second multiple description bitstream, ... wherein said client decodes a media stream of a first quality should only said first multiple description bitstream be received at said client, wherein said client decodes a media stream of a second quality should only said second multiple description bitstream be received at said client, and wherein said client decodes a media stream of a quality greater than either of said first or second quality should both said first and said second multiple description bitstreams be received at said client" or "encoding an item comprising media data to be streamed to said client into a first complementary multiple description bitstream and into a second

complementary multiple description bitstream, ... wherein said first multiple description bitstream is designed so that a media stream of a first quality is decoded by said client with only said first multiple description bitstream received at said client, wherein said second multiple description bitstream is designed so that a media stream of a second quality is decoded by said client with only said second multiple description bitstream received at said client, and wherein a media stream of a quality greater than said first or second quality is decoded by said client with both said first and said second multiple description bitstreams received at said client." Kubota appears to make no provision for instances in which data – in fact, an entire stream of data – is not received by the receiving station or client device. Kubota appears to presume that all of the data reaches the receiving station. Certainly, while Kubota appears to teach dividing a file into smaller files that are transmitted to a receiving station, Kubota does not show or suggest a process for intelligently designing multiple description bitstreams such that as long as any multiple description bitstream is received at a client device, it can be decoded to produce a usable quality media stream, and as more multiple description bitstreams are received at the client device, then the quality of the media stream is increased, as recited in independent Claims 1 and 11.

Regarding independent Claim 20, Applicants respectfully submit that Kubota does not show or suggest "a first server having ... a first multiple description bitstream of encoded said media data stored thereon, ... a second server having ... a second multiple description bitstream of encoded said media data stored thereon, ... wherein said first and said second multiple description bitstreams have approximately a same bit rate, wherein said second multiple description bitstream is transcoded by said second server to a reduced bit rate according to an amount of available

bandwidth for a second path through said network ... said first and second servers concurrently transmitting said first and said transcoded second multiple description bitstreams such that said first and said transcoded second multiple description bitstreams are provided to said client via a plurality of transmission paths." While Kubota appears to show dividing a file into smaller files that are transmitted to a receiving station along different paths, Kubota does not show or suggest that the data sent along one path is processed further or treated differently than the data sent along another path. Specifically, Kubota does not show or suggest first and second multiple description bitstreams that initially have the same bit rate, where the first multiple description bitstream is sent along one path and the second multiple description bitstreams is sent along a second path, where on the second path the second multiple description bitstream is transcoded, as recited in independent Claim 20.

In summary, Applicants respectfully submit that Kubota does not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 11 and 20, and that these claims are considered patentable over Kubota. Because Claims 2, 4-6, 9, 13-15, 18 and 22 depend from either Claim 1, 11 or 20 and contain additional limitations, these claims are also considered patentable over Kubota. Therefore, Applicants respectfully submit that the basis for rejecting Claims 1-2, 4-6, 9, 11, 13-15, 18, 20 and 22 under 35 U.S.C. § 102(e) is traversed.

103 Rejections

The instant Office Actions states that Claims 7-8, 10, 16-17, 19 and 23-26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota in view of Gershman et al. ("Gershman;" U.S. Patent No. 6,401,085). The Applicants have reviewed the cited references and

respectfully submit that the present invention as recited in Claims 7-8, 10, 16-17, 19 and 23-26 is not anticipated nor rendered obvious by Kubota and Gershman, alone or in combination.

Claims 7-8 and 10 are dependent on Claim 1 and recite additional limitations. Claims 16-17 and 19 are dependent on Claim 11 and recite additional limitations. Claims 23-26 are dependent on Claim 20 and recite additional limitations. Hence, by demonstrating that Kubota and Gershman (alone or in combination) do not show or suggest the limitations of Claims 1, 11 and 20, it is also demonstrated that Kubota and Gershman (alone or in combination) do not show or suggest the limitations of Claims 7-8, 10, 16-17, 19 and 23-26.

As presented above, Applicants respectfully submit that Kubota does not show or suggest the embodiments of the present invention recited in independent Claims 1, 11 and 20. Applicants also respectfully submit that Gershman does not overcome the shortcomings of Kubota.

Specifically, Applicants respectfully submit that Gershman, alone or in combination with Kubota, does not show or suggest the limitations of independent Claims 1, 11 and 20 that are cited above.

Therefore, Applicants respectfully submit that Gershman, alone or in combination with Kubota, does not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 11 and 20, and that these claims are considered patentable over Kubota and Gershman (alone or in combination). Because Claims 7-8, 10, 16-17, 19 and 23-26 depend from either Claim 1, 11 or 20 and contain additional limitations, these claims are also considered patentable over Kubota and Gershman

(alone or in combination). Therefore, Applicants respectfully submit that the basis for rejecting Claims 7-8, 10, 16-17, 19 and 23-26 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

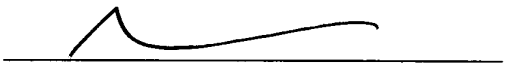
Based on the arguments presented above, Applicants respectfully assert that Claims 1-2, 4-11 and 13-26 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Date: 12/20/05



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